IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 7012 of 1999

Between:

T. Kesappa S/o T.Ramappa,, aged 64 years,

Kammavari Street, Puttaparthy village and Mandal

Anantapur District

..... PETITIONER

AND

1. Government of Andhra Pradesh

Rep. by its Secretary, Revenue Department,Hyderabad.

2. District Collector, Anantapur, Anantapur District,

3. Revenue Divisional Officer/Land Acquisition Officer,

Penukonda, Anantapur District

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not granting higher

compensation following the judgment in AS No.360/97, dated 28-10-1998 as illegal, discriminatory and unsustainable inlaw and also direct the respondents to redetermine the compensation under Section 28-A of L.A.Act by considering the representation dated 23-12-1998 in accordance with law.

Counsel for the Petitioner:MR.P.SRINIVASULU

For the Respondents: GP FOR REVENUE

The Court made the following :

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7012 of 1999

ORDER:

The petitioner's land admeasuring Acs.0.30 in Survey No.364-2 of Yenumulapally village, Puttaparthi Mandal was acquired. One of the neighbouring landholders of the petitioner, sought reference to the Civil Court under Section 18 of the Land Acquisition Act, 1894 (for short, the Act) and being not satisfied with the enhancement given by the Civil Court, filed an Appeal being A.S.No.360 of 1997 before this Court. This Court enhanced the compensation from Rs.31,200/- (Rupees thirty one thousand two hundred only) per acre to Rs.1,50,000/- (Rupees one lakh and fifty thousand only). Thereafter, the petitioner submitted the representation under Section 28-A of the Act seeking payment at enhanced rates as per the judgment of this Court, in vain. Therefore, he filed the present writ petition.

A Constitution Bench of the Supreme Court in **Union of India v Hansolidevi**, categorically laid down that the benefit given under Section 28-A of the Act can be availed even after the determination of the compensation finally either by the High Court or the Hon'ble Supreme Court. In that view of the matter, denial of benefit under Section 28-A of the Act cannot be proper.

Therefore, the writ petition is accordingly allowed.

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(V.V.S.RAO,J)

23.07.2004.

That, Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the twenty third day of July, 2004.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

1. The Secretary, Revenue Department, Government of Andhra Pradesh, Hyderabad.
2. The District Collector, Anantapur, Anantapur District,
3. The Revenue Divisional Officer/Land Acquisition Officer, Penukonda, Anantapur District
4. 2 CCs to the Government Pleader for Revenue, High Court Buildings,Hyderabad (OUT).
5. 2 CDs